

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

FERDINAND REYNOLDS,	)	
	)	2:95-cv-1451-GEB-DAD
Plaintiff,	)	
	)	
v.	)	<u>ORDER</u>
	)	
THEODORE WHITE, Warden; IVALEE	)	
HENRY; and STANLEY WANG,	)	
	)	
Defendants.	)	
_____	)	

On July 18, 2007, Plaintiff filed a motion requesting the court to subpoena a witness for the evidentiary hearing set for August 6, 2007. Plaintiff is advised that he must prepare and submit to the United States Marshal a subpoena for service by the Marshal upon any witness. A copy of the subpoena form is attached hereto. Also, the party seeking the witness' presence must tender an appropriate sum of money to the witness through the United States Marshal. In the case of an involuntary unincarcerated witness, the appropriate sum of money is the daily witness fee of \$40.00 plus the witness' travel expenses.

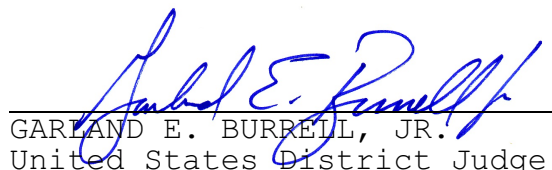
A subpoena will not be served by the United States Marshal upon an unincarcerated witness unless the subpoena is accompanied by a

1 money order made payable to the witness for the full amount of the  
2 witness' travel expenses plus the daily witness fee of \$40.00, and a  
3 copy of the court's order granting plaintiff in forma pauperis status.  
4 Because no statute authorizes the use public funds for these expenses  
5 in civil cases, the tendering of witness fees and travel expenses is  
6 required even if the party was granted leave to proceed in forma  
7 pauperis. Federal courts are not authorized, therefore, to waive  
8 payment of fees or expenses for an indigent's witnesses. Tedder v.  
9 Odel, 890 F.2d 210, 211-12 (9th Cir. 1989).

10 Accordingly, Plaintiff's request for the court to subpoena a  
11 witness for the August 6, 2007 evidentiary hearing is denied.

12 IT IS SO ORDERED.

13 Dated: July 23, 2007

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16 GARLAND E. BURRELL, JR.  
17 United States District Judge  
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